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8 *J.C.M. Industries, Inc. dba Advance Storage*
Products

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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 QUINTON DRUMMER, STEFFAN
13 WEBB, and DEMONTRAY
14 STALLWORTH, individually, and on
behalf of all others similarly situated,

15 Plaintiffs,

16 vs.

17 ALPHA TEAM CONSTRUCTION
CORPORATION, BG CONSTRUCTION
18 SERVICES, LLC, HECTOR BELTRAN,
and J.C.M. INDUSTRIES, INC., doing
19 business as ADVANCE STORAGE
PRODUCTS, jointly and severally,

20 Defendants.

Case No.: 2:18-cv-01251-RFB-NJK

**STIPULATION AND ORDER TO EXTEND
TIME FOR DEFENDANT J.C.M.
INDUSTRIES dba ADVANCE STORAGE
PRODUCTS TO ANSWER OR OTHERWISE
RESPOND TO PLAINTIFF'S FIRST
AMENDED COLLECTIVE AND CLASS
ACTION COMPLAINT, AND TIME TO FILE
AMENDED JOINT PROPOSED DISCOVERY
PLAN AND SCHEDULING ORDER**

(Third Request)

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22 Defendant J.C.M. Industries, Inc. doing business as Advance Storage Products ("JCM"),
23 by and through its counsel, Jackson Lewis P.C., Plaintiffs Quinton Drummer, Steffan Webb and
24 Demontray Stallworth ("Plaintiffs"), by and through their counsel, Wolf, Rifkin, Shapiro,
25 Schulman & Rabkin, LLP, and Defendant Hector Beltran, in proper person, hereby submit this
26 stipulation to extend the time for JCM to answer or otherwise respond to Plaintiffs' First
27 Amended Collective and Class Action Complaint, and for the parties to submit their joint
28 proposed discovery plan and scheduling order.

1 Plaintiffs served their First Amended Collective and Class Action Complaint on JCM on
2 July 5, 2019, and JCM's response was, initially, due on July 26, 2019. The parties stipulated,
3 with this Court's approval, to extend JCM's deadline to answer or otherwise respond to Plaintiffs'
4 First Amended Collective and Class Action Complaint to August 26, 2019. (ECF No. 63). After
5 preliminary discussions regarding the scope of discovery, the parties further stipulated, with this
6 Court's approval, to extend the time for the parties to submit their amended joint proposed
7 discovery plan and scheduling order to September 9, 2019, two weeks after JCM's deadline to
8 answer or otherwise respond to Plaintiffs' Amended Complaint, to allow further discussions
9 regarding the scope of discovery. (ECF No. 65).

10 In the course of discussions regarding Plaintiffs' claims, JCM's defenses, and the scope of
11 potential discovery, counsel for Plaintiffs and counsel for JCM determined that early settlement
12 discussions may be fruitful in resolving Plaintiffs' claims against JCM without further litigation.
13 Accordingly, Plaintiffs and JCM stipulated, with the Court's approval, to extend the time for JCM
14 to answer or otherwise respond to the First Amended Collective and Class Action Complaint to
15 September 26, 2019, and to extend the time for the parties to submit their amended joint proposed
16 discovery plan and scheduling order to October 10, 2019, in order to conduct settlement
17 discussions. (ECF No. 68, 69).

18 Since the time that extension was granted, the parties have continued to evaluate their
19 respective positions and have exchanged multiple offers and counteroffers. However, due to the
20 complexity of the matter and class action settlement considerations, the parties are still in the
21 process of negotiating and exploring a potential settlement of the matter. Accordingly, the parties
22 seek a further 3-week extension for JCM to answer or otherwise respond to the First Amended
23 Collective and Class Action Complaint to October 17, 2019, in order to continue negotiations.
24 This is the parties' third request for extension of this deadline.

25 The parties further request a corresponding extension of the deadline to submit the
26 amended joint proposed discovery plan and scheduling order to October 31, 2019, two weeks
27 after the extended deadline to respond to the Amended Complaint. This is the parties' second
28

request for extension of this deadline.

This stipulation and order is sought in good faith and not for the purpose of delay.

STIPULATION

NOW THEREFORE, the parties hereby agree and stipulate as follows:

The deadline for Defendant JCM to answer or otherwise respond to Plaintiffs' First Amended Collective and Class Action Complaint shall be continued to October 17, 2019.

The deadline for filing the parties' Amended Joint Proposed Discovery Plan and Scheduling order shall be continued to October 31, 2019.

Dated this 24th day of September, 2019.

WOLF, RIFKIN, SHAPRIO, SCHULMAN
& RABKIN, LLP

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/s/ Hector Beltran

Hector Beltran
BG Construction Services, LLC
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Defendant, in proper person

IT IS SO ORDERED.

Dated this 25 day of September, 2019.



MAGISTRATE JUDGE

4827-1416-5671, v. 1